



Agenda Item Number: _____

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: May 23, 2006

Department: Zoning, Building and Planning **Staff Contact:** Catherine VerEecke, Program Planner

TITLE: APPEAL: Special Use Permit for Contractor's Yard—appeal of two conditions of approval (CSU-50021/CO-60006)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Approval.

SUMMARY:

At the April 5, 2006 public hearing, the County Planning Commission (CPC) voted (6-0; Commissioner Montano excused) to recommend approval of the request for a Special Use Permit for a Contractor's Yard on Tract 1A, Frances Lopez Subdivision, MRGCD Map #32, SP-86-137, located at 5710 Edith Boulevard NE, zoned M-H & C-1, containing approximately 1.50 acres. The decision was based on the five (5) Findings and subject to the fourteen (14) Conditions. (See Attachment 1—CPC Notice of Decision).

Under this request, the applicant has been seeking a new Special Use Permit, since the previous Special Use Permit (CSU-99-20) expired in January 2005 (see Attachment 3, pp. 61-68, Notices of Violation;). The CPC found that the request could be justified by changed neighborhood conditions, including an increased incidence of light industrial uses, adjacent to and nearby the site along Edith Blvd. In addition, the subject property has had contractor's-type businesses on it since the 1980s.

The applicant is appealing two of the conditions recommended by the CPC:

3. The applicant shall allow parking of no more than 30 employee vehicles and 20 trucks on site. No inoperative vehicles may be stored on site and no repairs to vehicles may be done on the site.

13. The Special Use Permit shall be issued for three (3) years.

Thus far, applicant has not provided a justification for the appeal or alternatives for the conditions recommended by the CPC.

County Planning Commission members discussed both these conditions during the hearing (see Attachment 3, Draft Minutes of April 5, 2006 hearing, pp.139-153) and noted, when making their recommendation, that there have been issues of compliance with the conditions of approval since the applicants first received the Special Use Permit (p.153).

Criteria for Evaluating Zone Map Changes and Special Use Permit Applications

Resolution 116-86 (see Attachment 5) states that the applicant must demonstrate that the existing zoning is inappropriate because:

1. there was an error when the existing zone map was created; or
2. changed neighborhood or community conditions justifies a land use change; or
3. a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other County Master Plan, the even though (1) and (2) above do not apply.

ATTACHMENTS:

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1. County Planning Commission Notice of Decision Letter (February 3, 2006).	3
2. County Planning Commission Information Packet.	7
3. Appeal application	102
4. Draft CPC Minutes, April 5, 2006	109
5. Resolution 116-86	155
6. Site Plan (Commissioners Only).	

STAFF ANALYSIS SUMMARY

ZONING, BUILDING & PLANNING DEPARTMENT:

Staff Recommends Denial of Appeal.